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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-0568 MHP
Plaintiff,)	
v.)	PARTIES' JOINT REQUEST TO CONTINUE
MARK JACOBSON,)	SENTENCING DATE AND [PROPOSED]
Defendant.)	ORDER

It is hereby stipulated by and between counsel for the United States, Assistant U.S. Attorney Kyle F. Waldinger, and counsel for defendant Mark Jacobson, Thomas Carlucci, that, subject to the Court's approval, the sentencing hearing presently set for June 1, 2009, be continued and set for sentencing hearing on September 28, 2009, at 9:00 a.m. The United States has previously determined from reviewing the Court's publicly posted scheduling information that the Court is currently available for a hearing on that date. The assigned probation officer, Constance Cook, also has been consulted with respect to this date and has indicated that she is available on that date.

The defendant Mark Jacobson pled guilty pursuant to a plea agreement on September 24, 2007, to one count of conspiracy to misappropriate, receive, possess, and transmit trade secrets, gain unauthorized access to a protected computer, exceed authorized access to a

JOINT REQ. & [PROPOSED] ORDER
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1 protected computer, and traffic in a password allowing unauthorized access to a protected
 2 computer, in violation of 18 U.S.C. §§ 1832(a)(5) and 371. The case was referred to the
 3 Probation Office for a presentence report. The plea agreement also includes standard terms of
 4 cooperation.

5 In light of continuing cooperation under the terms of the plea agreement, the parties
 6 jointly request that the sentencing status hearing on June 1, 2009, be continued for a sentencing
 7 hearing on September 28, 2009. Additional time is needed for the defendant to complete his
 8 cooperation with the government. Specifically, charges have now been filed against David
 9 Nosal. That case is numbered CR 08-0237 MHP.. The parties' next appearance in that matter is
 10 April 27, 2009, at which time the Court will likely either set a briefing schedule for additional
 11 motions, or set a trial date. When the Nosal matter does proceed to trial, the defendant Jacobson
 12 is expected to testify in that matter. Because Mr. Jacobson will be required to testify at trial, his
 13 cooperation with the government's investigation is not yet complete.

14 For all of these reasons, the parties jointly request that this Court vacate the sentencing
 15 hearing presently set for June 1, 2009, and set a sentencing hearing for September 28, 2009, at
 16 9:00 a.m. In addition, the parties jointly request that the due dates for the presentence report be
 17 calculated using the new sentencing date.

18 SO STIPULATED.

19 Dated: April __, 2009

SCOTT N. SCHOOLS
 Acting United States Attorney

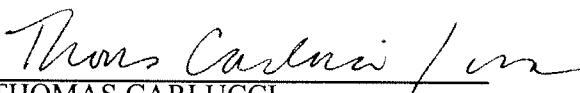
Kyle F. Waldinger

Digitally signed by Kyle F. Waldinger
 DN: cn=Kyle F. Waldinger, o=United States
 Attorney's Office, ou=email=kyle.
 waldinger@usdoj.gov, c=US
 Date: 2009.04.22 14:14:57 -0700

KYLE F. WALDINGER
 Assistant United States Attorney

23 SO STIPULATED.

24 Dated: April 22, 2009


 THOMAS CARLUCCI
 Attorney for defendant Mark Jacobson

~~PROPOSED~~ ORDER

GOOD CAUSE APPEARING,

IT IS ORDERED that the sentencing status hearing presently set for June 1, 2009, be continued to September 28, 2009, at 9:00 a.m. The final presentence report should be disclosed two weeks prior to the sentencing date.

Dated this 23rd day April, 2009

